

Criminal Justice Oversight Council

November 19, 2019





What is Justice Reinvestment?

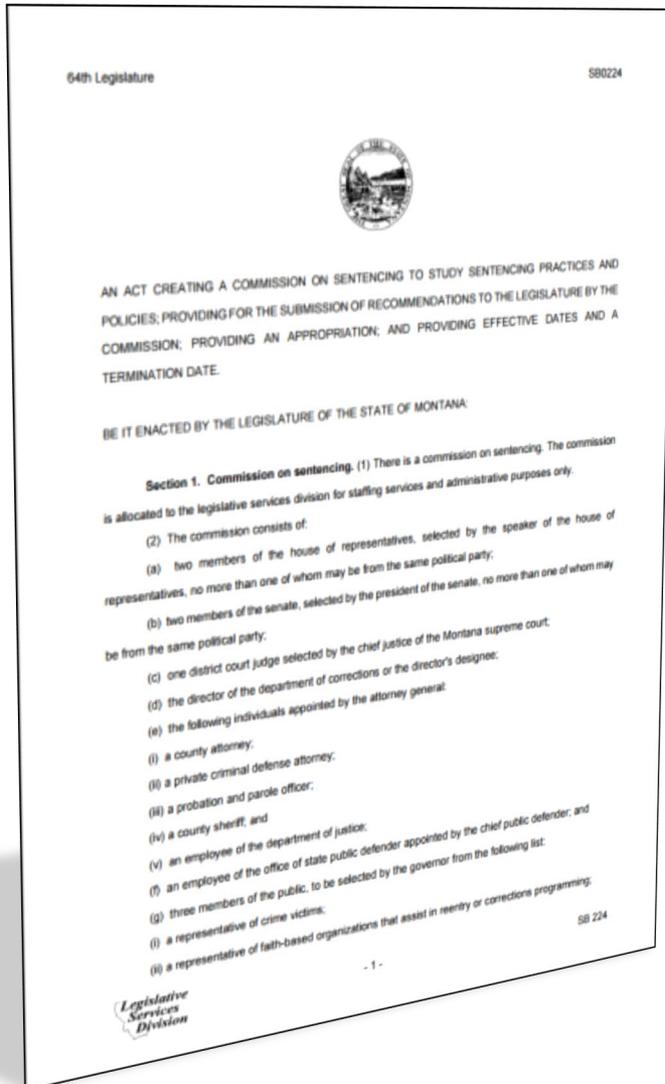


JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

In April 2015, SB 224 created the Montana Commission on Sentencing with a mandate for empirical study and evidence-based practices.



Created an inter-branch commission of criminal justice system stakeholders to (among other things):

- “identify strategies to **safely reduce incarceration** in state prisons and to promote **evidence-based diversion** programs and other effective alternatives to incarceration”
- “**balance sentencing practices and policies with budget constraints**”
- report recommendations, including data analysis, to 65th legislature (December 2016)



Key challenges in Montana identified by the Commission on Sentencing



High Rate of Recidivism

The primary driver of costs and growth in Montana's criminal justice system, including the growth in arrests, alternative facility admissions, and prison admissions, is people who are cycling back for technical violations or new crimes.



Rising Cost of Prison and Jails

Prisons and jails in Montana are at capacity. The statewide jail population has risen 67 percent between 2011 and 2013. The prison population is projected to continue to increase 17 percent by 2025, requiring millions of dollars in new spending.



Growing Impact of Substance Use

Between 2009 and 2015, there was a 62 percent increase in arrests for drug offenses. Stakeholders report drug use and insufficient treatment are leading causes of crime, violations, and revocations.



Based on these findings, state leaders set out goals for justice reinvestment policies in Montana

1. **Increase public safety** and reduce recidivism by expanding the reach and improving the efficacy of programs focused on reducing recidivism.
2. **Avert growth in prison and jail** populations and spending associated with this growth.
3. **Provide counties with tools** to reduce population pressures on jails throughout the state.



Montana enacted nine bills that significantly change state and local practices throughout the criminal justice system with impacts on jails, prisons, and in the community



JAIL

**SB 59
PRETRIAL**

**PROSECUTOR
DIVERSIONS**

**SB 60
PRESENTENCE INVESTIGATIONS**

**HB 133
SENTENCING**



PRISON

**SB 59
QUALITY
ASSURANCE**

**SB 64
PAROLE GUIDELINES**

PROFESSIONAL PAROLE BOARD



COMMUNITY

**SB 62 & SB 67
PEER SUPPORT
SPECIALISTS**

**BATTERERS'
INTERVENTION
PROGRAMS**

**SB 63 & SB 64
PROBATION &
PAROLE SUPERVISION**

**SB 65
REENTRY
HOUSING**

**SJ 3
TRIBAL-STATE
COLLABORATION**



SB 59 Highlights

Grants for Pretrial and Prosecution Diversion Programs

Effective date: July 1, 2017

1. Establishes a pretrial services grant program to incentivize counties to adopt a pretrial risk assessment tool and provide supervision for higher-risk defendants.
2. Establishes a grant program to advance the development and expansion of deferred prosecution programs.

Quality Assurance and Oversight

Effective date: May 17, 2017

3. Creates an oversight council to monitor and report on the implementation of justice reinvestment legislation. This section terminated June 30, 2019.
4. Requires the Department of Corrections to adopt a program evaluation tool, conduct evaluations of state-funded programs, and enforce standards to ensure programs are using best practices for reducing recidivism.



SB 59 sets up an oversight structure that promotes effective implementation and sustainability

Statutory requirements include:

- Analyzing data collected by agencies and entities charged with implementing policies
- Assessing outcomes of criminal justice reforms
- Examining the feasibility of creating a public criminal justice data portal
- Submitting a biennial report to the governor and legislature
- Reporting to the law and justice interim committee and the legislative finance committee as requested

CJOC may also appoint a working group to track criminal justice reform legislation and request legislation to enact changes to the state's criminal justice system. This Council was scheduled to terminate on June 30, 2019.



Expedited Presentence Investigations and Improved Reports

Effective date: October 1, 2017

1. Requires presentence investigation reports to include risk assessment information.
2. Requires probation and parole officers to submit a presentence investigation report within 30 days of a guilty plea or verdict, except in cases that require a psychosexual evaluation or require more time for a victim impact statement.



Certification of Behavioral Health Peer Support Specialists

Effective date: October 1, 2017

1. Creates a certification for behavioral health peer support specialists by the Board of Behavioral Health.
2. Candidates must complete a training course in behavioral health peer support, verifying their ability to perform all essential functions, and receive supervision by a competent mental health professional.



SB 63 Highlights

Earlier Conditional Discharge

Effective date: May 17, 2017

1. Requires probation and parole officers to recommend conditional discharge for probationers who are compliant with supervision conditions when a low-risk person has served 9 months, a medium-risk person has served 12 months, a moderate-risk person has served 18 months, and a high-risk person has served 24 months on probation.

Shorter Probation Sanctions and Revocations

Effective date: May 17, 2017

2. Allows DOC hearings officers to impose up to 30-day sanctions, or recommend up to 90 days of electronic monitoring, day reporting, or placement in a community corrections facility for probation compliance violations without resorting to a petition to the court.
3. Limits imprisonment for probation compliance violations to 9 months once the appropriate violation responses under DOC's incentives and interventions grid have been exhausted.



SB 64 Highlights

Professional Parole Board

Effective date: July 1, 2017

1. Establishes a full-time, five-member parole board to increase opportunities for training and skill development that will enable the board to make more informed and efficient parole decisions.
2. Requires the board to adopt parole guidelines that include risk and needs levels, participation in risk-reducing programs and treatment, institutional behavior, and offense severity, to structure and guide parole release decisions.

Shorter Parole Sanctions and Revocations

Effective date: July 1, 2017

3. Allows DOC hearings officers to impose up to 30-day sanctions, or recommend up to 90 days of electronic monitoring, day reporting, or placement in a community corrections facility for parole compliance violations without resorting to a petition to the parole board.
4. Limits imprisonment for parole compliance violations to nine months once the appropriate violation responses under DOC's incentives and interventions grid have been exhausted.



Supportive Housing Grant Program

Effective date: October 1, 2017

1. Establishes a supportive housing grant program to advance local efforts to remove barriers to and increase housing opportunities. Grant funds may be used to hire case workers and set up landlord risk mitigation funds.

Housing Vouchers

Effective date: October 1, 2017

2. Reduces the backlog of people in prison awaiting parole pending a housing plan by allowing the Department of Corrections to provide rental vouchers to some people.



Batterers' Intervention Programs

Effective date: October 1, 2017

1. Requires the state to adopt statewide standards for offender intervention programs to ensure they are evidence-informed.
2. Allows the Board of Crime Control to use the money in the domestic violence intervention account to provide grants to courts to implement an intervention program that meets statewide standards.

Tribal-State Collaboration

Designates an interim committee to explore how Montana could increase access to tribal resources for tribal members who are involved in the state's criminal justice system including the following potential strategies:

1. Transferring tribal members who are subject to state supervision from state or county custody to tribal custody;
2. Allowing tribal members to fulfill conditions of state court-ordered programming by participating in programs offered by the tribes or tribal organizations; and
3. Creating a grant program to enable the Office of the State Public Defender to enlist tribal defense attorneys in place of an appointed public defender for tribal members.



Sentencing Changes

Effective date: July 1, 2017

1. Creates a tiered sentencing structure with reduced penalties and higher thresholds for various property crimes including theft, forgery, and identity theft.
2. Reduces penalties for certain drug offenses such as criminal possession and distribution of marijuana and criminal distribution of dangerous drugs.
3. Reduces penalties for driving without a license or driving with a suspended license.



Criminal Justice Oversight Council

Effective date: July 1, 2019

1. Clarifies makeup of a sixteen member council charged to receive and evaluate data regarding the implementation of recommendations of the Commission on Sentencing.
2. Comprised of legislators and professionals from all corners of the criminal justice system, correctional, custodial, community and treatment programming, and minority, victims' and offenders' rights advocacy.
3. Responsible to assess whether data indicate the implemented reforms are effective, or if other changes to the state's criminal justice system are warranted; and to make recommendations to address inefficiencies.



HB684 Highlights

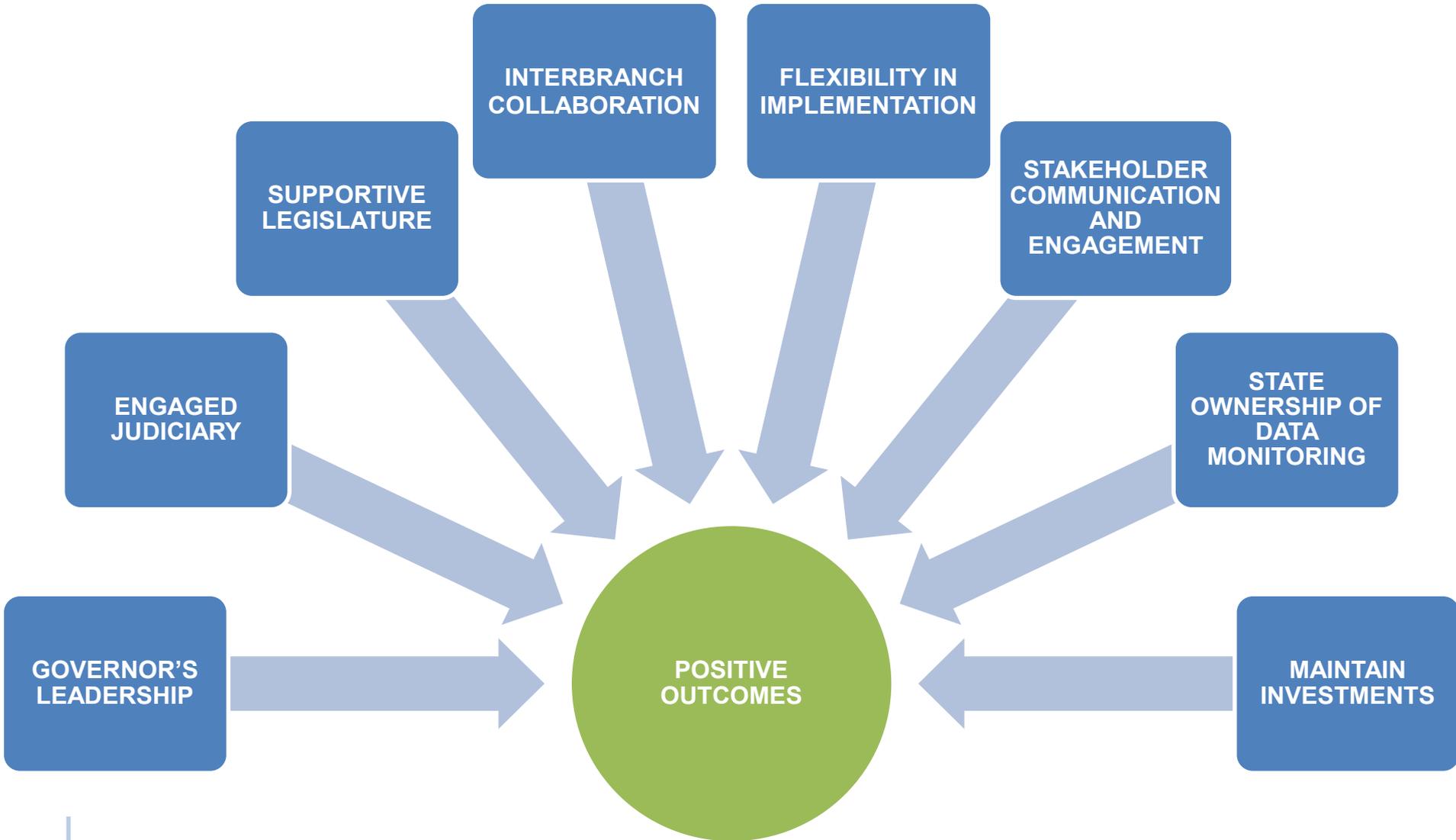
Revises Laws Related to Justice System

Effective date: July 1, 2019

1. Pilots county pretrial diversion programs to alleviate costs and analyze potential risk.
2. Refines requirements and timelines for completion and submission of presentence investigation reports (ie 30 *business* days).
3. Establishes a Bureau Chief for Public Safety Officer Standards and Training and coordinate with Department of Justice and Law & Justice Interim Committee.
4. Establishes authority and guidelines for drug treatment courts.
5. Establishes guidelines for mental health treatment and support services, and mental health treatment courts.
6. Amends rulemaking authority for establishment of regional correctional facilities.



Keys to successful justice reinvestment implementation





How will Montanans know justice reinvestment is working? Implementation is an ongoing process. The impact of justice reinvestment policies will take years to be fully realized. Any significant changes to the JR policies may negate potential positive impacts.



Reduction in the prison population and community supervision populations;



Increased success in the community for parolees, as evidenced through a reduction in the rate of returns to prison for revocations



Reduction in pretrial length of stay in jails



Reduction in people in prison awaiting parole pending a housing plan



Increase in consistency of parole release decision-making